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8 IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
9 CALIFORNIA

10 THE UNITED STATES OF AMERICA

11 V.

12 ANDREY NESHCHERET

13 Case Number: 2:22-cr-00203-JAM

14 **STIPULATION AND ORDER**

15 **Date: October 8, 2024**

16 **Time: 9:00 am**

17 **Judge: Hon John A. Mendez**

18 Plaintiff United States of America, by and through its counsel of record, and the  
19 Defendant, by and through each counsel of record, hereby stipulate as follows:

20 1. Attorney Hedberg was recently appointed to this case, and needs additional time  
21 to review discovery and review it with his client. in order to effectively advise Mr. Neshcheret of  
22 the potential ramifications if a conviction is had in the matter at bar.

23 2. By this stipulation, the parties now move to continue the status conference until  
24 November 19, 2024 at 9:00 am, and to exclude time between October 8, 2024, and November  
25 19, 2024, under Local Code T4. Plaintiff does not oppose this request.

26 3. The parties agree and stipulate, and request that the Court find the following:  
27 a. The government has provided discovery associated with this case.

1           b.     Counsel for the defendant desires time to consult with his client, to review the  
2 current charges, to conduct investigation and research related to the charges, to review and copy  
3 discovery for these matters and to discuss potential resolutions with his client.

4           c. The Government has tendered a proposed plea agreement to Defendant. This plea  
5 agreement has raised issues that will require further investigation by both parties to resolve.

6           Counsel for the defendant believes that failure to grant the above-requested continuance  
7 would deny him the reasonable time necessary for effective preparation, taking into account the  
8 exercise of due diligence.

9           d.     The government does not object to the continuance.

10          e.     Based on the above-stated findings, the ends of justice served by continuing the  
11 case as requested outweigh the interest of the public and the defendant in a trial within the  
12 original date prescribed by the Speedy Trial Act.

13          f.     For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
14 et seq., within which trial must commence, the time period of October 8, 2024, to November 19,  
15 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
16 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
17 of the Court's finding that the ends of justice served by taking such action outweigh the best  
18 interest of the public and the defendant in a speedy trial.

19          4. Nothing in this stipulation and order shall preclude a finding that other provisions of  
20 the Speedy Trial Act dictate that additional time periods are excludable from the period within  
21 which a trial must commence.

22          IT IS SO STIPULATED

1 Dated: September 30, 2024

2 Respectfully submitted

3 /s/ Olaf W. Hedberg

4 Olaf W. Hedberg  
Attorney for Andrey Neshcheret

/s/ Matthew P. DeMoura

Matthew P. DeMoura  
Special Assistant US Attorney

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7 **ORDER**

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10 GOOD CAUSE APPEARING, it is hereby ordered that the October 08, 2024  
11 status conference be continued to **November 19, 2024 at 9:00 a.m.** I find that the ends of  
12 justice warrant an exclusion of time and that the defendant's need for continuity of counsel  
13 and reasonable time for effective preparation exceeds the public interest in a trial within  
14 70 days. THEREFORE IT IS FURTHER ORDERED that time be excluded pursuant to  
15 18 U.S.C. § 3161 (h) (7) (B) (ii) and Local Code T4 from the date of this order to  
November 19, 2024.

16 IT IS SO ORDERED.

17 Dated: September 30, 2024

/s/ John A. Mendez

18 THE HONORABLE JOHN A. MENDEZ  
19 SENIOR UNITED STATES DISTRICT JUDGE